

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

SANDRA BUTLER, RICKY GIBSON,  
O'BRIEN MORRIS, RICHARD EMMETT,  
ROSELLE DIAZ, KEVIN FAISON,  
SHANIQUA JACKSON, CENTER FOR  
INDEPENDENCE OF THE DISABLED, NEW YORK:  
AND COALITION FOR THE HOMELESS,  
*for themselves and on behalf of all others similarly  
situated,*

Plaintiffs,

15-CV-3783 (VEC)

-against-

ORDER

CITY OF NEW YORK, THE NEW YORK  
CITY DEPARTMENT OF HOMELESS  
SERVICES, STEVEN BANKS, *as  
Commissioner of the New York City Department of  
Homeless Services,*

Defendants.

X

GREGORY WOODS, United States District Judge:

WHEREAS on July 8, 2021, Plaintiffs filed a motion for a temporary restraining order and a preliminary injunction, Dkt. 74;

WHEREAS on July 13, 2021, the parties appeared for a hearing on Plaintiffs' motion; and

WHEREAS, having considered the submissions and arguments of the parties, the Court has concluded that Plaintiffs have made a sufficient showing of a likelihood of success on the merits and irreparable harm, as well as the other conditions required for the entry of injunctive relief;

IT IS HEREBY ORDERED that for the reasons stated at the hearing, Plaintiffs' motion for a temporary restraining order is granted in part. For the following 14 days, through **July 27, 2021**, Defendants, their officers, agents, servants, employees, and attorneys, and other persons who are in active concert or participation with any of the foregoing are temporarily enjoined and restrained from involuntarily moving any Class Member from a De-densification Hotel unless the following requirements are satisfied:

1. Defendants shall have provided written notice to each Class Member — regardless of whether they are to be transferred to congregate shelters or to another hotel — consistent with the form notice agreed upon by the parties regarding the proposed move no later than seven (7) days prior to the proposed move; and
2. Defendants shall have scheduled an individual meeting with each Class Member to take place no later than five (5) days prior to the proposed move. At each such meeting, a representative of Defendants must inform the client regarding the Reasonable Accommodation process and must be prepared to discuss Defendants' assessment of any Reasonable Accommodation request made by the client. Defendants are directed to provide a script for its case managers to use during these meetings. Failure by a client to attend the scheduled meeting will not limit the ability of Defendants to relocate that client to a congregate or other facility.

IT IS FURTHER ORDERED that the relief is incremental to the obligations of Defendants under the Stipulation of Settlement. *See* Stipulation, Dkts. 67, 70.

IT IS FURTHER ORDERED that this relief is provisional and may be modified by Judge Caproni without limitation.

**SO ORDERED.**

SIGNED this 13<sup>th</sup> day of July, 2021 at 8:00 pm.

  
**GREGORY WOODS**  
United States District Judge

*Part 2*